

# STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION  
302 W. WASHINGTON STREET, SUITE E-306  
INDIANAPOLIS, INDIANA 46204-2764

<http://www.state.in.us/iurc/>  
Office: (317) 232-2701  
Facsimile: (317) 232-6758

IN THE MATTER OF PETITION OF )  
INDIANA BELL TELEPHONE COMPANY, )  
INCORPORATED ("SBC INDIANA") FOR )  
THE COMMISSION TO EXERCISE ITS )  
STATUTORY AUTHORITY UNDER )  
I.C. 8-1-2.6 ET SEQ. TO DECLINE TO )  
EXERCISE ITS JURISDICTION, IN WHOLE )  
OR IN PART, AND USE ALTERNATIVE )  
REGULATORY PROCEDURES AND )  
STANDARDS AND APPROVE )  
SBC INDIANA'S ALTERNATIVE )  
REGULATION PLAN FOR THE PRICING )  
AND OTHER REGULATION OF )  
SBC INDIANA'S RETAIL AND )  
CARRIER ACCESS SERVICES. )

FILED

MAY 19 2004

INDIANA UTILITY  
REGULATORY COMMISSION

CAUSE NO. 42405

IN THE MATTER OF THE PETITION OF )  
INDIANA OFFICE OF UTILITY )  
CONSUMER COUNSELOR ("OUCC") FOR )  
THE COMMISSION TO EXERCISE ITS )  
STATUTORY AUTHORITY UNDER )  
I.C. 8-1-2.6 ET SEQ. TO DECLINE TO )  
EXERCISE ITS JURISDICTION, IN WHOLE )  
OR IN PART, AND USE ALTERNATIVE )  
REGULATORY PROCEDURES AND )  
STANDARDS AND APPROVE )  
OUCC'S ALTERNATIVE )  
REGULATION PLAN FOR THE PRICING )  
AND OTHER REGULATION OF )  
SBC INDIANA'S RETAIL AND )  
CARRIER ACCESS SERVICES. )

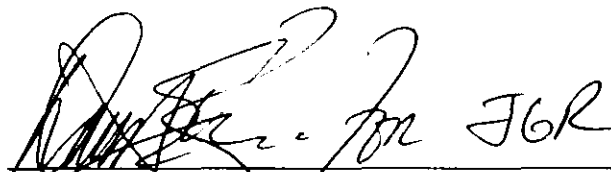
IN THE MATTER OF JOINT PETITION OF )  
THE CITIZENS ACTION COALITION OF )  
INDIANA, INC., AND UNITED SENIOR )  
ACTION OF INDIANA, INC., TO APPROVE )  
AN ALTERNATE ALTERNATIVE )  
REGULATION PLAN FOR THE PRICING )  
AND OTHER REGULATION OF SBC )  
INDIANA'S RETAIL AND CARRIER )  
ACCESS SERVICES. )

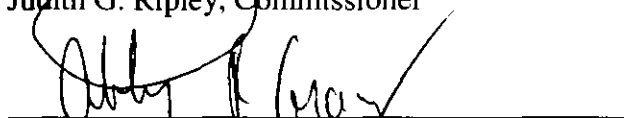
You are hereby notified that on this date, the Indiana Utility Regulatory Commission has caused the following entry to be made:

On May 6, 2004, SBC Indiana AAVS Network Customer's (AAVS Customers) filed a *Verified Request for Public Hearing to Address Concerns of Proposed Settlement*. On May 10, 2004, Indiana Bell Telephone Company, Incorporated ("SBC Indiana") filed a *Motion to Strike and Objection to AAVS Network Customer's Verified Request for Public Hearing to Address Concerns Over Proposed Settlement*; The Indiana Utility Regulatory Commission Testimonial Staff ("Staff"), filed its *Response to AAVS Network Customers' Verified Request for Public Hearing to Address Concerns Over Proposed Settlement*; and. The Indiana Office of Utility Consumer Counselor ("OUCC") filed its *Response to AAVS Network Customers' Verified Request for Public Hearing to Address Concerns Over Proposed Settlement*. On May 12, 2004, AAVS Customers filed their *Reply in Support of its Verified Request for Public Hearing to Address Concerns Over Proposed Settlement*; and AAVS Customers filed its *Additional Affidavit in Support of SBC Indiana AAVS Network Customer's Verified Request for Public Hearing to Address Concerns Over Proposed Settlement*. On May 13, 2004, AAVS filed its *Reply in Support of its Verified Request for Public Hearing to Address Concerns over Proposed Settlement*.

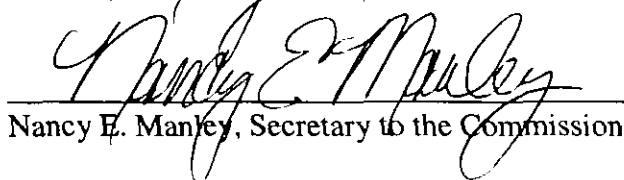
The *Request for a Public Hearing* cites two reasons for why the AAVS Customers should be allowed to voice their opinions regarding the settlement; namely the failure to address AAVS infrastructure and quality of service. The issue of continued funding for CILC was addressed fully in this Cause and the issue of quality of service would be more appropriately addressed in a complaint proceeding. In addition to the foregoing reasons, the *Request* is procedurally deficient under Commission rules. Therefore, the presiding officers, being sufficiently advised in the premises, now find that the *Request for a Public Hearing* should be denied.

**IT IS SO ORDERED.**

  
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Judith G. Ripley, Commissioner

  
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Abby R. Gray, Administrative Law Judge

Date May 19, 2004

  
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Nancy E. Manley, Secretary to the Commission